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October 3, 2007

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FILED/ACCEPTED
OCT - 3 2007
Federal Communications Commission
Office of the Secretary

Re: Notice of *Ex Parte* Presentation, MB Docket No. 07-198, Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed as notice of a meeting on October 2, 2007 between Commissioner Robert McDowell and Cristina Pauzé and the following representatives of ESPN and The Walt Disney Company ("Disney"): George Bodenheimer (President, ESPN and ABC Sports; Co-Chairman, Disney Media Networks); Ed Durso (Executive Vice President, ESPN); Preston Padden (Executive Vice President, Disney); Susan Fox (Vice President, Disney); and Bill Bailey (Vice President, Disney).

The proceeding at issue is not restricted, and therefore presentations are permitted, but must be disclosed. During the conversation, the ESPN and Disney representatives reiterated the points made in the attached declarations. They also stressed that there is no reason or need for the Commission to issue any regulations requiring a la carte or any new regulations regarding retransmission consent or cable programmer negotiations.

Respectfully submitted,



Tom W. Davidson, Esq.

Attachments

cc: Commissioner Robert McDowell
Cristina Chou Pauzé

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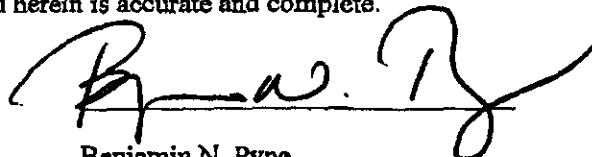
DECLARATION OF BENJAMIN N. PYNE

I, Benjamin N. Pyne, Executive Vice President, Disney and ESPN Networks Affiliate Sales and Marketing, have responsibility for negotiating for multi-channel video programming distributor ("MVPD") carriage of the ABC owned television stations and The Walt Disney Company's cable networks, including ESPN, ESPN2, ESPN Classic, ESPNEWS, Disney Channel, Toon Disney, ABC Family and SOAPnet.

I attest that, in negotiating for MVPD carriage:

- Disney does not require carriage of its cable programming services in exchange for its consent to carriage of its ABC-owned television stations;
- Disney offers carriage of its ABC-owned broadcast stations for standalone cash payments;
- Disney does not require carriage of any of its other programming services before it will permit carriage of Disney Channel;
- ESPN offers the opportunity for any MVPD to carry only the ESPN service;
- ESPN does not require carriage of any of its other programming services before it will permit carriage of the ESPN service;
- An MVPD who wishes to carry Disney Channel or ESPN without carrying other Disney programming services may elect to do so;
- Disney offers MVPDs significant flexibility to choose the manner in which they carry its many services;
- MVPDs may negotiate for carriage of ESPN2 and ESPN Classic on the first, second or third most widely-penetrated tier;
- Disney negotiates for carriage of ESPN, Disney Channel and ABC Family on either the first or second most widely-penetrated tier of service;
- ESPNEWS, Toon Disney and SOAPnet may be carried on any tier;
- Disney offers all of its most popular programming services—ABC, ESPN and Disney Channel—on a standalone basis;
- An MVPD may carry ESPN but not ESPN2; and
- An MVPD may carry ABC but not SOAPnet.

I hereby declare, under penalty of perjury, that, to the best of my knowledge, information and belief, all of the factual information contained herein is accurate and complete.



Benjamin N. Pyne
Executive Vice President, Disney and ESPN
Networks Affiliate Sales and Marketing

August 12 2004

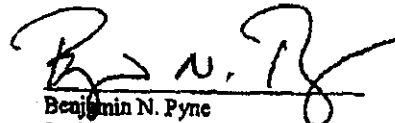
EXHIBIT A

DECLARATION OF BEN FYNE

I am Senior Vice President of Affiliate Sales and Marketing for ABC Cable Networks Group. Among other responsibilities, I am responsible for working with the ABC owned television stations to negotiate retransmission agreements for the ten ABC owned television stations.

I attest that, in negotiating for retransmission consent, ABC offers MVPDs a cash stand-alone price for retransmission consent for the ABC owned stations. If the cable operator accepts that offer, that decision results in no additional obligation to carry any Disney/ABC programming. To the extent that any given MVPD decides not to accept ABC's stand-alone cash offer, and instead elects the alternative to negotiate to carry programming, that decision is made by the individual MVPD. We attempt to work with the MVPD to customize a reasonable offer to address their particular needs.

I hereby declare, under penalty of perjury, that, to the best of my knowledge, information, and belief, all of the factual information contained in this Declaration is accurate and complete.


Benjamin N. Pyne
Senior Vice President of Affiliate
Sales and Marketing
ABC Cable Networks Group

February 3, 2003